UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

JACKIE WALKER,)	
Plaintiff,)	
)	
v.)	No. 4:01-CV-1223 CAS
GARY B. KEMPER, et al.,)	
Defendants.)	

ORDER

This matter is before the Court on its own motion. It has come to the Court's attention that in reviewing the parties' motions for summary judgment in this case, the Court's courtesy copy of defendants' summary judgment materials was incomplete. Specifically, the Court had only the first and third pages of a three-page affidavit of John Bowen submitted by defendants as Exhibit 1 to their Memorandum in Support of their Motion for Summary Judgment. <u>See</u> Doc. 116.

Based on the Court's review of the contents of the complete copy of the Bower Affidavit, it is necessary for the Court to vacate the Memorandum and Order and Partial Judgment issued May 17, 1005. The substance of the Memorandum and Order is unchanged; however, it is appropriate for the Court to delete a portion of footnote 5 on page 5 in order to avoid entirely unwarranted criticism of defendants' counsel. The Court expresses its appreciation to defendants' counsel for calling its attention to the error contained in footnote 5.

Accordingly,

IT IS HEREBY ORDERED that the Memorandum and Order and Partial Judgment of May 17, 2005, as amended by the Order of May 18, 2005, are VACATED. [Doc. 129, 130, 131]

IT IS FURTHER ORDERED that the Court will issue an Amended Memorandum and Order and Partial Judgment.

CHARLES A. SHAW

UNITED STATES DISTRICT JUDGE

Dated this 31st day of May, 2005.